

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY RAY PLEDGE,

Defendant.

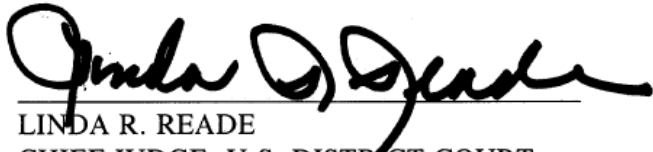
No. 14-CR-132-LRR

ORDER

The matter before the court is the government's "Motion for Leave to Dismiss Count 2 of the Indictment" ("Motion") (docket no. 40), which the government filed on February 4, 2015. Pursuant to Federal Rule of Criminal Procedure 48(a), "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Fed. R. Crim. P. 48(a). "[T]he district court may deny leave to dismiss an indictment . . . when the defendant objects to the dismissal, [or] when dismissal is clearly contrary to the manifest public interest." *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, Defendant Tony Ray Pledge has not objected to the dismissal. Furthermore, the court finds that dismissal is not clearly contrary to the manifest public interest. *See id.* at 1013-14 (finding that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives). Accordingly, the Motion is **GRANTED**. Count 2 of the Indictment (docket no. 2) is **DISMISSED**. Because Defendant pled guilty to Count 1 of the Indictment and the Indictment contains no further charges against Defendant, the Final Pretrial Conference scheduled for February 17, 2015 and the trial scheduled to begin on February 23, 2015 are **CANCELED**. *See* Amended Trial Scheduling Order (docket no. 39).

IT IS SO ORDERED.

DATED this 4th day of February, 2015.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA